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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,972	12/31/1998	CHARLES KEVIN SHANK	03384.0148-0	4270

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EXAMINER

VU, VIET DUY

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 01/30/2003

14/13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/223,972

Applicant(s)
Shank et al

Examiner
Viet Vu

Art Unit
2154



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 23, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

1. Applicant is required to update status of related application, i.e., providing serial number, cited in page 1 of the specification.

Art Rejections:

2. The texts of 35 USC 102(e) and 103(a) not cited here can be found in the previous office action.

3. Claims 1, 3-7, 9 and 12 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Moshfeghi et al, U.S. pat. No. 6,216,104.

Moshfeghi discloses a server comprising:

- a) an interface (18, fig. 1) to a data network (see col 3, lines 3-10),
- b) an interface to a plurality of text/message/voice/speech processing resources (34, 36, 51, fig. 1) including emails, speech recognition, voice mails, paging, etc. (see col 3, lines 19-33 and col 5, lines 25-36),
- c) a CORBA middleware server (14, fig.1) for receiving and decoding a user request from a client application (12, fig. 1), coupled to the data network, an object-oriented language independent request for accessing the resources (see col 3, lines 11-16).

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4. Claims, 2, 8, 10 and 11 are rejected under 35 U.S.C. 103 as being unpatentable over Moshfeghi and further in view of Jordan et al, U.S. pat. No. 6,163,535.

Per claims 2 and 10-11, Moshfeghi's teachings are still applied as discussed above. It is noted that Moshfeghi's system utilizes one or more conventional telephony subsystems (51, fig. 1) for providing messaging services (see Moshfeghi's col 5, lines 25-33). Moshfeghi does not disclose a telephony subsystem in details. Jordan discloses a voice processing subsystem in a conventional telephone network. Particularly, the subsystem comprises a central call manager (30, fig 2) for tracking availability of the resource components (see Jordan's col 10, lines 30-36) and for communicating access requests to call routers and signaling system components using object-oriented protocols such as CORBA (see Jordan's col 7, lines 49-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Jordan telephony subsystems in Moshfeghi because it would have allowed the middleware server to directly communicate with the voice processing components (e.g., using CORBA).

Per claim 8, Jordan teaches providing users various voice/messaging services including a fax service (see Jordan's col 2, lines 31-34).

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Response to Amendment:

5. Applicant's arguments filed on 12/23/02 with respect to claims 1-12 are moot in view of new ground of rejection set forth above.

Conclusion:

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



VIET D. VU
PRIMARY EXAMINER

Art Unit 2154
1/24/03